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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,078	03/31/2004	Patrick Hallinan	066949-0001	4644

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EXAMINER	
PETRAVICK, MEREDITH C	

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/813,078	HALLINAN ET AL.	
	Examiner	Art Unit	
	Meredith C. Petravick	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,7,9-13,16,18 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7,9,10,16,18 and 19* is/are allowed.

6)☒ Claim(s) *1-3,5 and 11-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips 5,303,532, cited by Applicant, in view of Reents 5,966,914.

Philips discloses a trimming system on a mowing vehicle including a drive means (38) and a trimming unit (22). The trimming system also includes a guide wheel (any roller 120) mounted on the vehicle frame via the assembly shown in Fig. 3. The guide wheel is mounted on a resiliently biased bracket (hoop 98). The about that the resiliently biased bracket (hoop 98) is able to flex is considered to be the predetermined distance that the trimming unit is kept away from a stationary object.

However, Philips discloses that the drive means is attached to the trimmer and independent of the drive system of the vehicle and not coupled to it as claimed. Philips does suggest that other trimmers could be used, including trimmers with motors attached to the vehicle (Col. 3, lines 4-20).

Like Philips, Reents discloses a trimming system on a mowing vehicle. Unlike Philips Reents teaches that an alternative to driving the trimmer with a separate motor (embodiment of Figs. 3-4) a pulley system (Fig. 2) can be used drive the trimmer.

Given the suggestion in Philips, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the independent motor in Philips with a vehicle driven pulley system as taught in Reents as being an alternative to a separate motor.

Regarding claims 3, 11 and 12, Reents discloses that the trimmer can be selectively and simultaneously driven with the mower via control (32).

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philips in view of Reents as applied to claim 1 above, and further in view of Birnbaum et al. 3,923,316.

The combination discloses the invention described above and further suggests making the wheels (Philips 102) roller skate wheels. The combination does not disclose making the wheels from nylon.

As suggested in Philips, Birnbaum discloses a roller skate wheel and teaches that roller skate wheels are made from nylon (Col. 2, lines 28-33).

Given the teaching in Philips, it would have been obvious to one of ordinary skill in the art to use a wheel made from nylon as in Birnbaum.

Allowable Subject Matter

3. Claims 7, 9-10, 16 and 18-19 are allowed.

Response to Arguments

4. Applicant's arguments filed 10/6/2005 with respect to the Philips reference have been fully considered but they are not persuasive. However, Applicant's arguments with respect to the Nafziger reference are considered persuasive and the Nafziger reference is no longer applied. Applicant amended independent claims 1, 11 and 13 to include limitations that the trimming system has a guide wheel mounted on a resiliently deflecting bracket that deflect with respect to the trimming unit and the vehicle frame. This limitation was not previously recited.

Applicant argues that the Philips reference does not disclose these limitations. However, Applicant seems to argue the rejection considers the flexible hoop (98) to be the guide wheel while the rejection above considers the guide wheel to be wheels (120) and the mounting bracket to be hoop (98).

Further Applicant argues that because the trimmer head is held in clamp 110, that the rollers (120) on hoop (98) do not deflect relative to the trimmer but only relative to the vehicle frame. Contrary to Applicant's argument, hoop (98) itself will inherently flex a small amount when compressed against a stationary object since the hoop is only attached to the frame at two points. This flexing is relative to the trimmer head since the clamp 110 is not attached to the hoop but only the frame. Therefore, the claim limitation is met.

The new combination of Philips and Reents was necessitated by Applicant's amendments to the independent claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meredith C Petravick
Primary Examiner
Art Unit 3671

January 17, 2006